

To: Mccarthy, Gina[McCarthy.Gina@epa.gov]; Mccarthy, Gina[McCarthy.Gina@epa.gov]
From: Cheryl LaFleur
Sent: Wed 2/10/2016 10:22:35 PM
Subject: My statement on SCOTUS stay

Gina

I wanted to let you know that, in response to press inquiries, I released the attached statement on the Supreme Court stay of the Clean Power Plan—the link is below.

Thinking of you today – hang in there.

Best,

Cheryl

<http://www.ferc.gov/media/statements-speeches/lafleur/2016/02-10-16-lafleur.asp#.Vru3MLIrK70>

*Commissioner Cheryl A. LaFleur
Federal Energy Regulatory Commission
888 First St., N.E.
Washington, D.C. 20426*

*202-502-8961
cheryl.lafleur@ferc.gov*

To: Bailey, KevinJ[Bailey.KevinJ@epa.gov]
Cc: Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Ashley, Jackie[Ashley.Jackie@epa.gov]
From: Niebling, William
Sent: Wed 2/10/2016 3:34:20 PM
Subject: Re: Supreme Court Stay of Clean Power Plan

Yes, Andrea and I can help field these. I will forward you something.

On Feb 10, 2016, at 10:31 AM, Bailey, KevinJ <Bailey.KevinJ@epa.gov> wrote:

See the inquiry from USDA below. Should we be sending these your way?

Kevin J. Bailey

Congressional Liaison/Air Team

Office of Congressional Affairs

U.S. Environmental Protection Agency

(o) 202.564.2998

(f) 202.501.0144

From: Kaiser, Sven-Erik
Sent: Wednesday, February 10, 2016 10:28 AM
To: 'Devine, Jenny - OSEC' <Jenny.Devine@osec.usda.gov>; Bailey, KevinJ <Bailey.KevinJ@epa.gov>
Cc: Reuschel, Trevor - OSEC <Trevor.Reuschel@osec.usda.gov>
Subject: RE: Supreme Court Stay of Clean Power Plan

Jenny – looping in my colleague Kevin Bailey to assist. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

From: Devine, Jenny - OSEC [<mailto:Jenny.Devine@osec.usda.gov>]

Sent: Wednesday, February 10, 2016 10:18 AM

To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Cc: Reuschel, Trevor - OSEC <Trevor.Reuschel@osec.usda.gov>

Subject: RE: House Ag Hearing Thursday

Sven –

In light of the recent Supreme Court stay, would you mind sharing any appropriate TP updates whenever you all have them?

http://www.nytimes.com/2016/02/10/us/politics/supreme-court-blocks-obama-epa-coal-emissions-regulations.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=first-column-region®ion=top-news&WT.nav=top-news&_r=1

We're trying to tweak our TPs now and want to make sure we're on the same page. Appreciate any help you could provide, but totally realize you're super busy with hearing prep.

Jenny

Jenny Devine | Legislative Analyst

Office of Congressional Relations - USDA

O:202.205.1191 | C: Personal Cell/email

Jenny.Devine@osec.usda.gov

To: Goffman, Joseph[Goffman.Joseph@epa.gov]
Cc: McCabe, Janet[McCabe.Janet@epa.gov]; Millett, John[Millett.John@epa.gov]; Ashley, Jackie[Ashley.Jackie@epa.gov]
From: Drinkard, Andrea
Sent: Fri 2/12/2016 2:32:49 AM
Subject: Re: Qs on CPP SCOTUS for regions Feb11_230pm jg

Excellent, thanks! We'll get these comments incorporated and then we'll get the docs to the regions tomorrow!

Andrea Drinkard
(o) 202.564.1601
(c) 202.236.7765

On Feb 11, 2016, at 9:27 PM, Goffman, Joseph <Goffman.Joseph@epa.gov> wrote:

Looks good. A few tweaks. Thanks.

<Qs on CPP SCOTUS for regions Feb11_230pm jg.docx>

To: Lincoln, Larry[Lincoln.Larry@epa.gov]
Cc: Banister, Beverly[Banister.Beverly@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]
From: Mitchell, Ken
Sent: Tue 3/8/2016 9:02:24 PM
Subject: RE: Revised External CPP Presentation - POST SCOTUS STAY

Larry...when the original set of slides was produced by HQ (not by R4) last year, they gave this to the regions to use. I don't know if they (HQ) put them through Protrac. I wasn't aware that presentations go through Protrac.

Since the stay was put into place, they (HQ) gave us ONE new slide that describes the stay. It's slide number 2 in the ppt I just sent you. The rest of the slides are essentially from the original set of slides described above, just prettied up a bit by me and with slight word fixes (by me, OAQPS, and OGC) to reflect the stay. I assume this new set of slides also did not go through Protrac.

Kenneth L. Mitchell, Ph.D. | Special Assistant to the Director |
 Air, Pesticides, and Toxics Management Division
 U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303
 Voice: 404-562-9065 | Fax: 404-562-9066 | Email: mitchell.ken@epa.gov
 Healthier Families, Cleaner Communities, A Stronger America

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-----Original Message-----

From: Lincoln, Larry
 Sent: Tuesday, March 08, 2016 3:48 PM
 To: Mitchell, Ken <Mitchell.Ken@epa.gov>
 Subject: Re: Revised External CPP Presentation - POST SCOTUS STAY

Ken,

Who created the presentation? Also has it gone through PROTRAC?

Sent from my iPhone

> On Mar 8, 2016, at 3:32 PM, "Mitchell, Ken" <Mitchell.Ken@epa.gov> wrote:
 >
 > Regional CPP Team....
 >
 > Attached is a revised set of slides that reflect the stay which you can use for public presentations. If you have any questions, please feel free to raise them at next Tuesday's 111(d) Regional/HQ Workgroup call.
 >

> Kenneth L. Mitchell, Ph.D. | Special Assistant to the Director | Air,
 > Pesticides, and Toxics Management Division U.S. Environmental
 > Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303
 > Voice: 404-562-9065 | Fax: 404-562-9066 | Email:
 > mitchell.ken@epa.gov<mailto:mitchell.ken@epa.gov>
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> <CPP Presentation Post Stay 3 8 16.pptx>

To: Aumann, Ethan[Aumann.Ethan@epa.gov]; Brown, Dan[Brown.Dan@epa.gov]; Cain, Alexis[cain.alexis@epa.gov]; Farris, Laura[Farris.Laura@epa.gov]; Gordon, Michael[Gordon.Mike@epa.gov]; Grogan-McCulloch, Lisa[Grogan-McCulloch.Lisa@epa.gov]; Lau, Gavin[Lau.Gavin@epa.gov]; Lawrence, Rob[Lawrence.Rob@epa.gov]; Linn, Emily[linn.emily@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]; Nazmi, Niloufar[Nazmi.Niloufar@epa.gov]; Newman, Erin[newman.erin@epa.gov]; Saracino, Ray[Saracino.Ray@epa.gov]; Smith, Mark A.[Smith.Marka@epa.gov]; Steib, Clovis[steib.clovis@epa.gov]; Wong, Shutsu[Wong.Shutsu@epa.gov]

Cc: Air Division Directors and Deputies[Air_Division_Directors_and_Deputies@epa.gov]; Kornylak, Vera S.[Kornylak.Vera@epa.gov]; Noonan, Jenny[Noonan.Jenny@epa.gov]; Millett, John[Millett.John@epa.gov]; Cortelyou-Lee, Jan[Cortelyou-Lee.Jan@epa.gov]; Ashley, Jackie[Ashley.Jackie@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Bailey, Ashten[Bailey.Ashten@epa.gov]; Senter, Stephen[Senter.Stephen@epa.gov]; Riha, Kristin[Riha.Kristin@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]; Wortman, Eric[Wortman.Eric@epa.gov]; Banister, Beverly[Banister.Beverly@epa.gov]; Braneon, Christian[Braneon.Christian@epa.gov]; Delli-Gatti, Dionne[Delli-Gatti.Dionne@epa.gov]; Dressler, Jason[Dressler.Jason@epa.gov]; Dubose, Dick[DuBose.Dick@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Goff, Keith[Goff.Keith@epa.gov]; Harris-Young, Dawn[Harris-Young.Dawn@epa.gov]; Johnson, Terry[Johnson.Terry@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Lincoln, Larry[Lincoln.Larry@epa.gov]; Lloyd, David[Lloyd.David@epa.gov]; Lusky, Katy[Lusky.Kathleen@epa.gov]; Majumder, Joydeb[Majumder.Joydeb@epa.gov]; Marraccini, Davina[Marraccini.Davina@epa.gov]; McDonald, Jason[Mcdonald.Jason@epa.gov]; McNeal, Dave[Mcneal.Dave@epa.gov]; Moura, Rafaela[Moura.Rafaela@epa.gov]; Myers, Bryan[Myers.Bryan@epa.gov]; Orlando, Danny[Orlando.Danny@epa.gov]; Powell, Keri[Powell.Keri@epa.gov]; Rubini, Suzanne[Rubini.Suzanne@epa.gov]; Rumley, MaKara[Rumley.MaKara@epa.gov]; Russo, Todd[Russo.Todd@epa.gov]; Spagg, Beverly[Spagg.Beverly@epa.gov]; Wise, Allison[Wise.Allison@epa.gov]

From: Mitchell, Ken

Sent: Tue 3/8/2016 8:32:29 PM

Subject: Revised External CPP Presentation - POST SCOTUS STAY
[CPP Presentation Post Stay 3 8 16.pptx](#)

Regional CPP Team....

Attached is a revised set of slides that reflect the stay which you can use for public presentations. If you have any questions, please feel free to raise them at next Tuesday's 111(d) Regional/HQ Workgroup call.

Kenneth L. Mitchell, Ph.D. | *Special Assistant to the Director | *
 Air, Pesticides, and Toxics Management Division
 U.S. Environmental Protection Agency | Street, SW | 30303
 Voice: 404-562-9065 | *

To: Kornylak, Vera S.[Kornylak.Vera@epa.gov]
Cc: Noonan, Jenny[Noonan.Jenny@epa.gov]; Millett, John[Millett.John@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Cortelyou-Lee, Jan[Cortelyou-Lee.Jan@epa.gov]; Bremer, Kristen[Bremer.Kristen@epa.gov]; Ashley, Jackie[Ashley.Jackie@epa.gov]; Strine, Lora[Strine.Lora@epa.gov]; Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]; Bailey, Ashten[Bailey.Ashten@epa.gov]; Senter, Stephen[Senter.Stephen@epa.gov]; Riha, Kristin[Riha.Kristin@epa.gov]
From: Mitchell, Ken
Sent: Fri 2/19/2016 9:43:31 PM
Subject: Updated CPP presentation for Regions to use
[Updated for SCOTUS Stay-021916-KM.pptx](#)

Vera (et al)....

As we discussed yesterday, we need an updated set of slides to use when regional folks go out and talk about the CPP and the stay. To help kick-start developing this updated slide deck, I've gone ahead and created a draft set of slides for you all to react to (attached). They are basically a selection of the slides we have already been using plus the new slide about the stay. I've then made some additional modifications that seemed to make sense. For example, please look especially at slides 2, 7, and 17 where I've added statements about the stay, what's still in effect, what's on hold, etc. Some other items:

1. There are 28 slides here. The idea is that a region would always include slide 2 (about the stay), but could then pick and choose from the other slides to fit the presentation they are making.
2. I put a footer on most of the slides that says "Presented for informational purposes only; the CPP for existing sources is stayed pending judicial review".

I made a few other wording changes here and there to represent that they stay is in place and that continued work on a plan would be voluntary (for example, see slide 28). A good scrub will need to be done by HQ to make sure it all comports with necessary legal sensitivities.

Also note that not all the slides that had been provided to the regions in the past are included here. I took out some of the more "in the weeds" detailed slides about how the rule works and I took out the slide discussing the initial submittal memo (since that seems superfluous for the moment).

Anyway, hope you find this helpful. As you know from the upcoming meetings tracker, regions are gearing up for a slew of talks in the near future so a slide deck back from you all as soon as possible would be most appreciated.

Kenneth L. Mitchell, Ph.D. | *Special Assistant to the Director | *
Air, Pesticides, and Toxics Management Division
U.S. Environmental Protection Agency | Street, SW | 30303

To: Johnson, Terry[Johnson.Terry@epa.gov]; Aumann, Ethan[Aumann.Ethan@epa.gov]; Brown, Dan[Brown.Dan@epa.gov]; Cain, Alexis[cain.alexis@epa.gov]; Farris, Laura[Farris.Laura@epa.gov]; Gordon, Michael[Gordon.Mike@epa.gov]; Grogan-McCulloch, Lisa[Grogan-McCulloch.Lisa@epa.gov]; Lau, Gavin[Lau.Gavin@epa.gov]; Lawrence, Rob[Lawrence.Rob@epa.gov]; Linn, Emily[linn.emily@epa.gov]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]; Nazmi, Niloufar[Nazmi.Niloufar@epa.gov]; Newman, Erin[newman.erin@epa.gov]; Saracino, Ray[Saracino.Ray@epa.gov]; Smith, Mark A.[Smith.Marka@epa.gov]; Steib, Clovis[steib.clovis@epa.gov]; Wong, Shutsu[Wong.Shutsu@epa.gov]
Cc: Senter, Stephen[Senter.Stephen@epa.gov]; Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]
From: Mitchell, Ken
Sent: Tue 2/16/2016 10:18:55 PM
Subject: Clarification: CPP Meetings Tracker

Hey all....on today's CPP Implementation workgroup call, Vera indicated that we probably didn't need to update the CPP Meetings Tracker (on the sharepoint site) at this point. On further reflection, she asked that we do update it. I'll be seeing her Thursday at OAQPS and we'll discuss it further and I'll let you know whether we need to continue it and for how long.

So, if you would, kindly go into the tracker and update by this Thursday as per the instructions below (I think some of you may already have done this). Thank you.

(With regard to the "how are states reacting to the stay" tracker, no more updates are needed to that separate document for the moment.)

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 U.S. Environmental Protection Agency | Street, SW | 30303
 Voice: 404-562-9065 | *

To: Mitchell, Ken[Mitchell.Ken@epa.gov]; Noonan, Jenny[Noonan.Jenny@epa.gov]; Bailey, Ashten[Bailey.Ashten@epa.gov]
Cc: Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Goff, Keith[Goff.Keith@epa.gov]; Powell, Keri[Powell.Keri@epa.gov]
From: Kornylak, Vera S.
Sent: Tue 2/16/2016 3:36:27 PM
Subject: RE: Questions for 2/16/16 EPA stakeholder call on the Clean Power Plan

Thanks Ken, a very similar question was provided by NACAA so we've got a response for that one. Thanks.

Vera Kornylak || Operating Permits Group Leader || OAQPS

919-541-4067 || kornylak.vera@epa.gov

From: Mitchell, Ken
Sent: Tuesday, February 16, 2016 10:34 AM
To: Noonan, Jenny <Noonan.Jenny@epa.gov>; Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Bailey, Ashten <Bailey.Ashten@epa.gov>
Cc: Banister, Beverly <Banister.Beverly@epa.gov>; Kemker, Carol <Kemker.Carol@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Goff, Keith <Goff.Keith@epa.gov>; Mitchell, Ken <Mitchell.Ken@epa.gov>; Powell, Keri <Powell.Keri@epa.gov>
Subject: FW: Questions for 2/16/16 EPA stakeholder call on the Clean Power Plan

Here is the one question we received from a state agency in R4 for today's 1pm call.

Kenneth L. Mitchell, Ph.D. | Special Assistant to the Director |
 Air, Pesticides, and Toxics Management Division
 U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303
 Voice: 404-562-9065 | Fax: 404-562-9066 | Email: mitchell.ken@epa.gov
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From: Kathryn Cowdery [<mailto:kcowdery@PSC.STATE.FL.US>]
Sent: Monday, February 15, 2016 11:07 AM

To: Mitchell, Ken <Mitchell.Ken@epa.gov>
Cc: 'jmurphy@naruc.org' <jmurphy@naruc.org>; 'mkeogh@naruc.org' <mkeogh@naruc.org>;
Mark Futrell <MFutrell@PSC.STATE.FL.US>
Subject: Questions for 2/16/16 EPA stakeholder call on the Clean Power Plan

Dear Mr. Mitchell:

I have the following questions that I believe are related to the purpose of Tuesday's call. Any information in this regard would be appreciated:

If the Clean Power Plan is upheld by the Courts, what procedure will EPA follow to revise the rule to change the compliance dates to reflect the lapse of time that will have occurred due to the stay? Would additional rulemaking be involved, and, if so, what procedure would be followed? How much time would you anticipate it would take to revise the rule to include new time deadlines?

Thank you for your assistance.

Kathryn G.W. Cowdery

Senior Attorney

Florida Public Service Commission

From: Mitchell, Ken [<mailto:Mitchell.Ken@epa.gov>]
Sent: Friday, February 12, 2016 3:34 PM
To: brad.atkinson@ncdenr.gov; john.lyons@ky.gov; kclark@gefa.ga.gov;
kelly.smithburk@freshfromflorida.com; majames@regstaff.sc.gov; mmcphillips@mississippi.org;
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herb.hilliard@tn.gov; jdockham@ncuc.net; jeremy.oden@psc.alabama.gov; Julie I. Brown;

jim.allison@tn.gov; jim.gardner@ky.gov; Jimmy Patronis; jpatterson@ncuc.net; kenneth.c.hill@tn.gov; Lisa Edgar; lmcdonald@psc.state.ga.us; Mark Futrell; robin.morrison@tn.gov; Ronald Brisé; southern.district@psc.state.ms.us; stanwise@psc.state.ga.us; steve.renfroe@psc.state.ms.us; tbrownbland@ncuc.net; techols@psc.state.ga.us; twinkle.cavanaugh@psc.alabama.gov; asaty@pinellascounty.org; barnetwm@forsyth.cc; barry.stephens@tn.gov; bob.rogers@shelbycountyttn.gov; campbell@epchc.org; Chuck.Mueller@dnr.ga.gov; colby_bob@chattanooga.gov; corey.m.masuca@jcdh.org; dallas_baker@deq.state.ms.us; danny.shea@huntsvilleal.gov; david.brigman@buncombecounty.org; dika.kuoh@dnr.ga.gov; jason.howanitz@jcdh.org; jeff.koerner@dep.state.fl.us; jim.holt@shelbycountyttn.gov; john.finke@nashville.gov; jonathan.stanton@jcdh.org; Justin Green; Karen Hays; keith.talley@louisvilleky.gov; laliddington@aqm.co.knox.tn.us; laxmana.tallam@filhealth.gov; Leslie Rhodes; lfernandez@broward.org; melissal@coj.net; michael.abraczinskas@ncdenr.gov; michelle.b.walker@tn.gov; muthim@miamidade.gov; quincy.styke@tn.gov; rachael.hamilton@louisvilleky.gov; renee.parker@ocfl.net; robinson@coj.net; rwg@adem.state.al.us; rwong@broward.org; sean.alteri@ky.gov; sheila.holman@ncdenr.gov

Cc: Banister, Beverly; Kemker, Carol; Gettle, Jeanneanne; hornback@metro4-sesarm.org; Mitchell, Ken

Subject: {BULK} ATTENTION: Invitation for states to participate in an EPA stakeholder call on the Clean Power Plan

Importance: Low

Dear Region 4 State Environmental and Energy Agencies:

We are pleased to invite you to participate in a call with Acting Assistant Administrator Janet McCabe to discuss the recent Supreme Court stay of implementation and enforcement of the Clean Power Plan pending judicial review.

Background

On February 9, 2016, the Supreme Court stayed implementation and enforcement of the Clean Power Plan pending judicial review. EPA firmly believes the Clean Power Plan will be upheld when the merits are weighed by the court because the Clean Power Plan rests on strong scientific and legal foundations. During the pendency of the stay, implementation and enforcement of the Clean Power Plan are on hold. EPA will continue to work with states that want to work with us on a voluntary basis.

Date: February 16, 2016

Time: 1:00pm Eastern

Call-in: (877) [REDACTED]

[Note: If you have a question you would particularly like to ask, please send it to your national organization (e.g., ECOS, NACAA, AAPCA, NARUC, NASEO....you should be getting this invite from one or more of these associations as well). If you do not belong to a national organization, you can send your question to me, but please do so as soon as possible prior to the call.]

Please dial in 10 minutes before your call's start time to ensure your participation.

We look forward to your participation. Information about the Clean Power Plan can be found on our website: www.epa.gov/cleanpowerplan

Kenneth L. Mitchell, Ph.D. | Special Assistant to the Director |
Air, Pesticides, and Toxics Management Division
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Cc: Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Goff, Keith[Goff.Keith@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]; Powell, Keri[Powell.Keri@epa.gov]
From: Mitchell, Ken
Sent: Tue 2/16/2016 3:34:04 PM
Subject: FW: Questions for 2/16/16 EPA stakeholder call on the Clean Power Plan

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Kenneth L. Mitchell, Ph.D. | Special Assistant to the Director |
 Air, Pesticides, and Toxics Management Division
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From: Kathryn Cowdery [mailto:kcowdery@PSC.STATE.FL.US]
Sent: Monday, February 15, 2016 11:07 AM
To: Mitchell, Ken <Mitchell.Ken@epa.gov>
Cc: 'jmurphy@naruc.org' <jmurphy@naruc.org>; 'mkeogh@naruc.org' <mkeogh@naruc.org>; Mark Futrell <MFutrell@PSC.STATE.FL.US>
Subject: Questions for 2/16/16 EPA stakeholder call on the Clean Power Plan

Dear Mr. Mitchell:

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Thank you for your assistance.

Kathryn G.W. Cowdery

Senior Attorney

Florida Public Service Commission

From: Mitchell, Ken [<mailto:Mitchell.Ken@epa.gov>]

Sent: Friday, February 12, 2016 3:34 PM

To: brad.atkinson@ncdenr.gov; john.lyons@ky.gov; kclark@gefa.ga.gov; kelly.smithburk@freshfromflorida.com; majames@regstaff.sc.gov; mmcphillips@mississippi.org; molly.cripps@tn.gov; nsedwar@regstaff.sc.gov; terri.adams@adeca.alabama.gov; thompsrb@dhec.sc.gov; **Art Graham**; bbeatty@ncuc.net; brandon.presley@psc.state.ms.us; ceaton@psc.state.ga.us; chip.beeker@psc.alabama.gov; commissioner.elam@psc.sc.gov; commissioner.fleming@psc.sc.gov; commissioner.hall@psc.sc.gov; commissioner.hamilton@psc.sc.gov; commissioner.randall@psc.sc.gov; commissioner.whitfield@psc.sc.gov; dan.logsdon@ky.gov; david.f.jones@tn.gov; dbailey@ncuc.net; deverett@psc.state.ga.us; finley@ncuc.net; **Greg Shafer**; herb.hilliard@tn.gov; jdockham@ncuc.net; jeremy.oden@psc.alabama.gov; **Julie I. Brown**; jim.allison@tn.gov; jim.gardner@ky.gov; **Jimmy Patronis**; jpatterson@ncuc.net; kenneth.c.hill@tn.gov; **Lisa Edgar**; lmcdonald@psc.state.ga.us; **Mark Futrell**; robin.morrison@tn.gov; **Ronald Brisé**; southern.district@psc.state.ms.us; stanwise@psc.state.ga.us; steve.renfroe@psc.state.ms.us; tbrownbland@ncuc.net; techols@psc.state.ga.us; twinkle.cavanaugh@psc.alabama.gov; asatyal@pinellascounty.org; barnetwm@forsyth.cc; barry.stephens@tn.gov; bob.rogers@shelbycountytn.gov; campbell@epchc.org; Chuck.Mueller@dnr.ga.gov; colby_bob@chattanooga.gov; corey.m.masuca@jcdh.org; dallas_baker@deq.state.ms.us; danny.shea@huntsvilleal.gov; david.brigman@buncombecounty.org; dika.kuoh@dnr.ga.gov; jason.howanitz@jcdh.org; jeff.koerner@dep.state.fl.us; jim.holt@shelbycountytn.gov; john.finke@nashville.gov; jonathan.stanton@jcdh.org; **Justin Green**; **Karen Hays**; keith.talley@louisvilleky.gov; laliddington@aqm.co.knox.tn.us; laxmana.tallam@flhealth.gov; **Leslie Rhodes**; lfernandez@broward.org; melissal@coj.net; michael.abraczinskas@ncdenr.gov; michelle.b.walker@tn.gov; muthim@miamidade.gov; quincy.styke@tn.gov; rachael.hamilton@louisvilleky.gov; renee.parker@ocfl.net; robinson@coj.net; rwg@adem.state.al.us; rwong@broward.org; sean.alteri@ky.gov; sheila.holman@ncdenr.gov

Cc: Banister, Beverly; Kemker, Carol; Gettle, Jeananne; hornback@metro4-sesarm.org; Mitchell, Ken

Subject: {BULK} ATTENTION: Invitation for states to participate in an EPA stakeholder call on the Clean Power Plan

Importance: Low

Dear Region 4 State Environmental and Energy Agencies:

We are pleased to invite you to participate in a call with Acting Assistant Administrator Janet McCabe to discuss the recent Supreme Court stay of implementation and enforcement of the Clean Power Plan pending judicial review.

Background

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Date: February 16, 2016

Time: 1:00pm Eastern

Call-in: (877) [REDACTED]

[Note: If you have a question you would particularly like to ask, please send it to your national organization (e.g., ECOS, NACAA, AAPCA, NARUC, NASEO....you should be getting this invite from one or more of these associations as well). If you do not belong to a national organization, you can send your question to me, but please do so as soon as possible prior to the call.]

Please dial in 10 minutes before your call's start time to ensure your participation.

We look forward to your participation. Information about the Clean Power Plan can be found on our website: www.epa.gov/cleanpowerplan

Kenneth L. Mitchell, Ph.D. | Special Assistant to the Director |
Air, Pesticides, and Toxics Management Division
U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303

Voice: 404-562-9065 | Fax: 404-562-9066 | Email: mittchell.ken@epa.gov
Healthier Families, Cleaner Communities, A Stronger America

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To: brad.atkinson@ncdenr.gov[brad.atkinson@ncdenr.gov];
 john.lyons@ky.gov[john.lyons@ky.gov]; kclark@gefa.ga.gov[kclark@gefa.ga.gov];
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Cc: Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle,
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 Mitchell, Ken[Mitchell.Ken@epa.gov]
From: Mitchell, Ken
Sent: Fri 2/12/2016 8:33:37 PM
Subject: ATTENTION: Invitation for states to participate in an EPA stakeholder call on the Clean Power Plan

Dear Region 4 State Environmental and Energy Agencies:

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Date: February 16, 2016

Time: 1:00pm Eastern

Call-in: (877) [REDACTED]

[Note: If you have a question you would particularly like to ask, please send it to your national organization (e.g., ECOS, NACAA, AAPCA, NARUC, NASEO....you should be getting this invite from one or more of these associations as well). If you do not belong to a national organization, you can send your question to me, but please do so as soon as possible prior to the call.]

Please dial in 10 minutes before your call's start time to ensure your participation.

We look forward to your participation. Information about the Clean Power Plan can be found on our website: www.epa.gov/cleanpowerplan

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To: Drinkard, Andrea[Drinkard.Andrea@epa.gov]
Cc: Millett, John[Millett.John@epa.gov]; Rosenberg, Julie[Rosenberg.Julie@epa.gov]; Noonan, Jenny[Noonan.Jenny@epa.gov]; Kornylak, Vera S.[Kornylak.Vera@epa.gov]; Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]; Wortman, Eric[Wortman.Eric@epa.gov]; Lincoln, Larry[Lincoln.Larry@epa.gov]; Riha, Kristin[Riha.Kristin@epa.gov]; Bailey, Ashten[Bailey.Ashten@epa.gov]; Senter, Stephen[Senter.Stephen@epa.gov]
From: Mitchell, Ken
Sent: Fri 2/12/2016 7:28:32 PM
Subject: ACTION: Reaction of states to CPP Stay
State Reaction Tracker-021216-KM.docx

Andrea....

Janet asked me to poll the regions to get reaction from the states to the CPP stay. Attached is the responses I have as of now. Can someone get a copy of this to Janet before she leaves today?
Thanks.

We'll update this again next week, but I suspect much of the "reaction" was stated this week.

Kenneth L. Mitchell, Ph.D. | *Special Assistant to the Director | *
Air, Pesticides, and Toxics Management Division
U.S. Environmental Protection Agency | Street, SW | 30303

To: Mitchell, Ken[Mitchell.Ken@epa.gov]
Cc: Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Goff, Keith[Goff.Keith@epa.gov]; Bailey, Ashten[Bailey.Ashten@epa.gov]
From: Kendra Abkowitz
Sent: Fri 2/12/2016 6:37:12 PM
Subject: RE: From ClimateWire -- STATES: Climate ruling sparks expensive game of red light, green light

Hi Ken,

Thanks so much for your response! We appreciate EPA's efforts to continue to work with states!

I'll be in touch if/when additional questions arise as we determine how the stay will impact Tennessee's plans.

Thanks again, and have a good weekend!

Kendra

From: Mitchell, Ken [mailto:Mitchell.Ken@epa.gov]
Sent: Thursday, February 11, 2016 2:00 PM
To: Kendra Abkowitz
Cc: Banister, Beverly; Kemker, Carol; Gettle, Jeaneanne; Goff, Keith; Mitchell, Ken; Bailey, Ashten
Subject: RE: From ClimateWire -- STATES: Climate ruling sparks expensive game of red light, green light

Kendra...

States are not required to make initial submittals during the stay. EPA firmly believes the Clean Power Plan will be upheld when the courts address its merits because it rests on strong scientific and legal foundations. For the states that choose to continue to work to cut carbon pollution from power plants and seek the agency's guidance and assistance, EPA will continue to provide tools and support. We will make additional information available in a timely manner and will continue to take steps to make sure states that wish to make use of them have the tools they need to design common-sense state plans.

Please let me know if you have any questions.

Kenneth L. Mitchell, Ph.D. | Special Assistant to the Director |
Air, Pesticides, and Toxics Management Division
U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303
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From: Kendra Abkowitz [<mailto:Kendra.Abkowitz@tn.gov>]
Sent: Thursday, February 11, 2016 10:03 AM
To: Mitchell, Ken <Mitchell.Ken@epa.gov>
Subject: FW: From ClimateWire -- STATES: Climate ruling sparks expensive game of red light, green light

Hi Ken,

I'm sure the past few days have been crazy for you all! Please see the highlighted text below. Can you confirm this? It is the first I have heard about a delay in the September 2016 timeline.

Thanks!

Kendra

From: kendra.abkowitz [email_this@eenews.net]
Sent: Thursday, February 11, 2016 8:58 AM
To: Kendra Abkowitz
Subject: From ClimateWire -- STATES: Climate ruling sparks expensive game of red light, green light

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This ClimateWire story was sent to you by: kendra.abkowitz@tn.gov

AN E&E PUBLISHING SERVICE

STATES:

Climate ruling sparks expensive game of red light, green light

Elizabeth Harball and Emily Holden, E&E reporters

Published: Thursday, February 11, 2016

U.S. EPA needed thousands of pages to lay out its ambitious, highly complex strategy to force blue states and red states to figure out how to curb greenhouse gas emissions from their power plants. The Supreme Court has plunged the entire endeavor into uncertainty with a single page.

Although more than half of states are challenging EPA's Clean Power Plan rule in court, the vast majority nonetheless were forging ahead with plans to make the required carbon emissions cuts in case those lawsuits failed. Many are now putting on the brakes, goaded by political leaders who revived calls for states to "just say no" to the climate change regulations.

Still more are reassessing whether they should pour resources into a regulation that may change or never go into effect.

Image removed for email: E&E Power Plan Hub Logo

"The Supreme Court has sent a message to all of the states: Put down your pencils because the EPA has no authority to issue and force this illegal rule down your throats," West Virginia Attorney General Patrick Morrisey (R) said during a call with reporters yesterday.

The court's 5-4 decision puts the rule on hold at least until the U.S. Court of Appeals for the District of Columbia Circuit decides whether it is legal and possibly until the Supreme Court weighs in on the case.

EPA yesterday confirmed that states will not be required to submit initial plans by September sketching out how they might meet emissions reduction targets. At least four states -- Montana, Nebraska, North Dakota and South Dakota -- have canceled public meetings on the Clean Power Plan. A handful of others, including Michigan, Arizona, Ohio and Utah, have said they will take time to rethink whether planning for the rule will continue.

As a result of the Supreme Court's stay, the momentum that slowly built behind the Clean Power Plan in even reticent states is already showing signs of flagging, raising concerns about whether the United States will be able to make meaningful reductions in greenhouse gases and encourage other nations to follow suit.

EPA won't let the regulation die without a fight, however. Spokeswoman Melissa Harrison said the agency "firmly believes the Clean Power Plan will be upheld."

A number of Democratic-led states proclaimed they will stand by EPA and forge ahead with compliance plans.

"The citizens of Pennsylvania are demanding a Pennsylvania-centric plan that reduces our emissions, so we have to respond to that," said Pennsylvania Department of Environmental Protection Secretary John Quigley. "We are not going to take our foot off the gas pedal."

Notably, a few Republican-led states also said they will continue to plan for ways to cut carbon.

Wyoming Gov. Matt Mead (R) told *ClimateWire* yesterday that although he considers the Supreme Court's decision "a great bit of good news," his state will continue to plan for the rule, although likely on a more relaxed timeline.

"We don't want to just put all our eggs in a single basket, and that is the court system," Mead said. "So I think we will continue -- maybe not at the same pace -- but I think we will continue to have our [Public Service Commission] and [Department of Environmental Quality] and others at the state see what this

would mean."

Harrison noted that EPA will continue to provide tools and support to states that keep working on plans and said the agency will "make additional information available in a timely manner."

Arizonans torn over whether to proceed

In Arizona, where state leaders have been strong critics of the rule, dozens of industry, government and environmental interests poured into an already-scheduled Clean Power Plan meeting yesterday to voice their concerns about the stay.

It was the first public, state-level meeting on the rule held after the Supreme Court's decision and likely provides a preview of the tug-of-war many local agencies will face.

The Arizona Corporation Commission -- the electric regulatory board -- is challenging the rule in court, and a lawyer for the commission yesterday argued to halt planning. But the state's Department of Environmental Quality has been preparing for the Clean Power Plan since shortly after the draft rule came out in the summer of 2014.

Attendees split into three factions: those who feared wasting time and money and wanted to halt Clean Power Plan work, others who said the legal news called for a reassessment, and some who didn't want to lose momentum on sketching out carbon cuts, which they said will be required by necessity or other regulation in the future.

Eric Massey, DEQ's Air Quality Division director, said his agency hadn't yet made a decision about what to do in the long term.

DEQ will still hold a separate technical working group meeting among utilities and consumer interests today and will continue community outreach. But Massey noted that the legal news makes it harder to explain to Arizona residents why they should be engaged about the Clean Power Plan.

DEQ is keeping a key March 1 public meeting on the calendar and plans to present a report on the state's baseline emissions and what it might need to achieve to meet EPA's goals.

"We've not made any long-term decisions as an organization, but for the short term, there is continued value in proceeding down the path of finishing at least some of the technical work we had started," Massey said in an interview after the meeting.

"At the end of the day, regardless of what happens and how long delayed, we are understanding a baseline will always have some level of value to us, so I don't see that as lost effort or lost time or lost work," he said.

Months of analysis, all for naught?

Tom Dorn, a lobbyist for the American Coalition for Clean Coal Electricity, said the coal industry will be pushing to freeze planning because continuing would be "a waste of state resources."

"The group's done a tremendous amount of work and good work, but with this legal question hanging over us, we would be urging the governor and the Legislature and the Corporation Commission and the attorney general to bring this to a stop for now," Dorn said.

Andy Berger, manager of environmental policy at Tri-State Generation and Transmission Association Inc.,

said DEQ at least shouldn't continue at the same quick pace.

"What is the usefulness of analyses and work that might be done?" he asked, adding, "[We] might end up without a Clean Power Plan or with a substantially different program under 111(d)."

Mark Lewis, a member of the board of the Central Arizona Project, which uses a large amount of energy to move water from the Colorado River throughout Arizona, wanted the group to keep planning because it will have to hash out agreements for other regulations, including for regional haze improvements.

"That's going to happen regardless of what happens with the Clean Power Plan, and I need some certainty of where we're going," he said.

Still, a representative of a cogeneration plant in Yuma, Ariz., said the work should proceed, but DEQ should not finalize a plan.

Massey noted later that DEQ probably can't submit a plan without "clear and express authorization" from state lawmakers, but the agency could likely continue to convene meetings and do technical work.

Some states in limbo; others calling it quits

Many other states yesterday expressed similar uncertainty. Michigan -- among the first Republican-led states to announce it would prepare a compliance plan -- announced that a legal review is under way to determine how it will proceed with its compliance planning process.

Utah held its first public information session this month. But Glade Sowards, Utah's Clean Power Plan coordinator in the state's Division of Air Quality, said the state now will likely shift gears.

"We are going to need to think about what the implications of that are, and then we'll adjust our process accordingly," Sowards said. "We've got to meet with our team first and see how that's impacted by this -- whether we mothball it or we adjust the timeline or what."

Iowa officials also said the state will reach out to utilities and other parties to decide whether and how to proceed.

"This is a very complex rule; it has been since the beginning," said Ben Hammes, a spokesman for Iowa Gov. Terry Branstad (R). "The decision yesterday only makes it more complex."

And although Ohio EPA Director Craig Butler said in an emailed statement that "the Supreme Court got it right," he added, "We will evaluate the decision and determine how it will impact our plans moving forward."

But a number of states called a halt to planning efforts in the 24 hours following the Supreme Court's ruling.

These include Montana, where Gov. Steve Bullock (D) canceled the first meeting of the state's Interim Clean Power Plan Advisory Council, originally scheduled for later this month.

And the official heading North Dakota's compliance effort said that although his agency remains open to developing "a common-sense carbon reduction strategy," the state won't be thinking of that strategy in the context of the federal Clean Power Plan.

"As it looks today, I think we're going to step back," said Dave Glatt, chief of the environmental health

section at the North Dakota Department of Health.

Kyrik Rombough, an engineering manager in the air quality program at South Dakota's Department of Environment and Natural Resources, said the state would suspend a series of five public meetings scheduled to begin later this month in Milbank, S.D.

Climate-friendly states say no delays

States where the leadership has prided itself on forward-looking climate policies are forging ahead.

Mary Nichols, chairwoman of the California Air Resources Board, called the Supreme Court decision a "narrowly procedural" ruling that "may create some temporary confusion." She proclaimed that the state will keep working on compliance.

"California will not slow down our drive for clean air, renewable energy, and the good jobs that come from investing in green technologies," Nichols said in a statement.

In Colorado -- where Gov. John Hickenlooper (D) supports the Clean Power Plan and Attorney General Cynthia Coffman (R) is challenging it in court -- state officials also said they would continue with their planning process.

"Because the Supreme Court did not say whether the stay would change the rule's compliance deadlines, Colorado could lose valuable time if it delays its work on the state plan and the rule is ultimately upheld," said a statement from the Colorado Department of Public Health and Environment.

Virginia's Department of Environmental Quality announced it would go forward with a Clean Power Plan meeting tomorrow.

The group of business interests and consumer advocates appointed by the governor to sketch out a potential plan had been planning to hash out whether to cap carbon from power plants or fulfill the hopes of the state's biggest utility, Dominion Resources Inc., and stick to an average rate of emissions.

But the stay decision will likely figure prominently in the discussion. Air Division Director Michael Dowd said the talks "should be interesting."

Meanwhile, groups leading regional efforts to plan for the climate rule say halting efforts altogether is a bad idea.

"The Clean Power Plan obligations are still there, and so states may find that it's prudent to continue to plan, especially since the planning is reflective of changes already taking in the electricity systems," said Gabriel Pacyniak, climate change mitigation program manager at the Georgetown Climate Center.

Reporters Ellen M. Gilmer, Peter Behr, Rod Kuckro, Daniel Cusick, Debra Kahn and Jeffrey Tomich contributed.

[Click here](#) to read how utilities are grappling with the Clean Power Plan stay.

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ABOUT CLIMATEWIRE – The politics and business of climate change

ClimateWire is written and produced by the staff of E&E Publishing, LLC. It is designed to provide comprehensive, daily coverage of all aspects of climate change issues. From international agreements on carbon emissions to alternative energy technologies to state and federal GHG programs, ClimateWire plugs readers into the information they need to stay abreast of this sprawling, complex issue.

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Cc: Senter, Stephen[Senter.Stephen@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]; Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]
From: Mitchell, Ken
Sent: Fri 2/12/2016 4:04:42 PM
Subject: ATTENTION: CPP Meetings Tracker
[Upcoming CPP Meetings Tracker-021216-KM.docx](#)

All....

We are adding the attached Word file to the implementation sharepoint site. You should be getting an invite to edit the file shortly. This is the file that tracks regional meetings with external stakeholders where the CPP will be or might be discussed.

Earlier this week, for purposes of a quick turnaround request, you provided your upcoming meetings from the date of the stay through March 11 (approximately 30 days out).

Once the file is on the sharepoint site, would you go ahead and fill it in with all your known upcoming meetings. If possible, please have this done by **COB next Thursday** so that I can send it to HQ by next Friday. Thanks.

Also....as you have done with the file on state reactions to the stay, please add a separate line for each meeting you put in this meeting tracker.

Also also....for the state reactions to the stay file, just a reminder that I'll be sending that file to HQ after lunch, so please add anything else you want to add to the file asap.

Kenneth L. Mitchell, Ph.D. | *Special Assistant to the Director | *
Air, Pesticides, and Toxics Management Division
U.S. Environmental Protection Agency | Street, SW | 30303

To: Kornylak, Vera S.[Kornylak.Vera@epa.gov]; Noonan, Jenny[Noonan.Jenny@epa.gov]; Millett, John[Millett.John@epa.gov]
Cc: Bailey, Ashten[Bailey.Ashten@epa.gov]; Senter, Stephen[Senter.Stephen@epa.gov]; Riha, Kristin[Riha.Kristin@epa.gov]; Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Wood, Anna[Wood.Anna@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]
From: Mitchell, Ken
Sent: Fri 2/12/2016 3:41:38 PM
Subject: RE: ATTENTION: Communicating Questions to HQ re CPP Stay

Thank you for the clarification.

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Voice: 404-562-9065 | *

To: Mitchell, Ken[Mitchell.Ken@epa.gov]
Cc: Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Heard, Anne[Heard.Anne@epa.gov]; Robinson, Caroline[Robinson.Caroline@epa.gov]; Jenkins, Brandi[Jenkins.Brandi@epa.gov]; HicksWhite, Javoyne[HicksWhite.Javoyne@epa.gov]; Jones-Johnson, Shea[Jones-Johnson.Shea@epa.gov]; Lincoln, Larry[Lincoln.Larry@epa.gov]; Braneon, Christian[Braneon.Christian@epa.gov]; Delli-Gatti, Dionne[Delli-Gatti.Dionne@epa.gov]; Dressler, Jason[Dressler.Jason@epa.gov]; Dubose, Dick[DuBose.Dick@epa.gov]; Goff, Keith[Goff.Keith@epa.gov]; Harris-Young, Dawn[Harris-Young.Dawn@epa.gov]; Johnson, Terry[Johnson.Terry@epa.gov]; Lloyd, David[Lloyd.David@epa.gov]; Lusky, Katy[Lusky.Kathleen@epa.gov]; Majumder, Joydeb[Majumder.Joydeb@epa.gov]; Marraccini, Davina[Marraccini.Davina@epa.gov]; McDonald, Jason[Mcdonald.Jason@epa.gov]; McNeal, Dave[Mcneal.Dave@epa.gov]; Moura, Rafaela[Moura.Rafaela@epa.gov]; Myers, Bryan[Myers.Bryan@epa.gov]; Orlando, Danny[Orlando.Danny@epa.gov]; Powell, Keri[Powell.Keri@epa.gov]; Rubini, Suzanne[Rubini.Suzanne@epa.gov]; Rumley, MaKara[Rumley.MaKara@epa.gov]; Russo, Todd[Russo.Todd@epa.gov]; Spagg, Beverly[Spagg.Beverly@epa.gov]; Wise, Allison[Wise.Allison@epa.gov]
From: McTeerToney, Heather
Sent: Fri 2/12/2016 1:33:00 PM
Subject: Re: EPA R4 stakeholder reactions to the CPP stay

Thank you, this is very helpful

Sent from my iPhone

On Feb 11, 2016, at 4:22 PM, Mitchell, Ken <Mitchell.Ken@epa.gov> wrote:

Folks....here is an update of what we have heard to date from EPA R4 stakeholders re the CPP stay. Please let me know if you have any questions.

Kenneth L. Mitchell, Ph.D. | Special Assistant to the Director |
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 Voice: 404-562-9065 | Fax: 404-562-9066 | Email: mitchell.ken@epa.gov
Healthier Families, Cleaner Communities, A Stronger America

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REGION 4

STATE	What You Are Hearing	Date	Source
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GA	Georgia will stop all activities on the CPP, including scheduled stakeholder meetings. Their website states "Issuance of the stay means that the Georgia Environmental Protection Division (EPD) will stop working on development of Georgia's state plan to implement the Clean Power Plan until the courts have resolved this matter."	2/10/16	Discussion between Ken Mitchell/R4 and GA EPD Air Director Karen Hays. Also see: https://epd.georgia.gov/air/111dstakeholder
	"We are pleased that Georgia will not need to begin plan development at this time given the uncertainties surrounding its ultimate legal status," said Mary Walker, an assistant EPD director.	2/11/16	Atlanta Journal Constitution
	Georgia Attorney General Sam Olens celebrated the decision by the Supreme Court. "This is a victory against an out-of-control Environmental Protection Agency," Olens wrote in a statement. "We will continue to fight this executive overreach which will put Americans out of work and drive up the cost of electricity for consumers."	2/10/16	http://wabe.drupal.publicbroadcasting.net/post/supreme-court-ruling-ga-stop-work-climate-plan
	"We are pleased that we will not have to continue expending those resources on a rule that we don't know if it will stand," said Mary Walker, assistant director of the Georgia Environmental Protection Division. "We will go back to our day jobs and do the air quality monitoring and the permitting and the planning that we normally do. And we will track the progress through the court, and if the rule is upheld we will do what is required."	2/10/16	http://wabe.drupal.publicbroadcasting.net/post/supreme-court-ruling-ga-stop-work-climate-plan

AL	<p>The Alabama Department of Environmental Management is postponing work toward drafting a state plan until mid- to late spring, with the hope that the U.S. Court of Appeals for the District of Columbia Circuit will grant a stay of the new federal rule by then, Ron Gore, the air division chief for ADEM, told Bloomberg BNA Jan. 7. "We're optimistic about a stay. We don't see any sense in working on it now until there's a ruling on that," Gore said.</p> <p><i>(NOTE: This statement was from January 2016 and no further information is available from ADEM.)</i></p>	1/8/16	http://www.bna.com/alabama-delays-clean-n57982065985/
	<p>Attorney General Luther Strange applauded the decision in a news release: "This is a tremendous victory not only for the rule of law, but also for the people of Alabama who stand to pay higher electric bills should the unprecedented and illegal EPA rule be enacted," Strange said. "The Obama administration's EPA rule would shutter coal-fired power plants around the country, including in Alabama, while killing jobs and raising power bills for hard-working families."</p>	2/9/16	http://www.ago.state.al.us/News-772
MS	No press releases or announcements yet from MDEQ, Governor's Office or AG's Office.		Link to MDEQ's press release page
	<p>MS's webpage still include the follow public meeting announcement: The Mississippi Department of Environmental Quality will host a public forum to discuss EPA's Clean Power Plan from 9:00 am to 12:00 pm on Tuesday, February 23, 2016. The</p>	2/11/16	http://www.deq.state.ms.us/mdeq.nsf/page/8

NC	From the NC DEQ Website: In light of the U.S. Supreme Court's decision to block the Obama administration's federal power plan, the state will continue to clean up its power sector without expending resources to comply with a plan that is likely to be thrown out in court. The Supreme Court's decision sends a strong signal that the federal power plan will be overturned and suspends the federal government's ability to impose the plan until legal challenges have been resolved. The decision relieves states from unnecessarily spending time and money to create a plan that complies with the rule while the legal case proceeds. North Carolina will not pursue rule development until completion of its legal challenge.	2/10/16	Link to NC DEQ's Press Release on the SCOTUS stay
SC	South Carolina is going forward with their planned stakeholder meeting on February 18. No decision yet on whether SC will pursue working on the plan during the stay.	2/10/16	Discussion between Katy Lusky/R4 and SC DHEC Director Myra Reece.
TN	No press releases or announcements yet from TDEC, Governor's Office or AG's Office.	2/11/16	Link to TDEC CPP web page
KY	Governor Matt Bevin made the following statement applauding the Supreme Court decision to freeze the Obama Administration's Clean Power Plan regulations: "Today's Supreme Court ruling is a huge win in the fight against Obama's disastrous Clean Power Plan. The Court's decision to freeze these illegal climate regulations is a victory in our efforts to save our coal jobs and protect Kentucky families from	2/9/16	http://bereaonline.com/?p=48021

	skyrocketing energy prices. We will continue to challenge these regulations as the litigations continue in court.”		
	<p>Kentucky Energy and Environment Cabinet Secretary Charles Snavley has canceled a series of public meetings on the EPA's proposed clean power plan after the U.S. Supreme Court delayed the plan from going into effect.</p> <p>Snavley said in a news release the planned listening sessions were premature because the clean power plan could change or be vacated. He reiterated his opposition to the plan, saying it put states like Kentucky into an untenable position.</p>	2/10/16	http://www.wdrb.com/story/3119152/cancels-public-hearings-after-court-ruling
	<p>U.S. Senate Majority Leader Mitch McConnell made the following statement today on the U.S. Supreme Court order regarding President Obama’s so-called “Clean” Power Plan:</p> <p>“Last year I called on governors to hold off submitting plans mandated under the President’s regressive federal energy regulations until courts could determine whether the regulations were even legal. Today’s Supreme Court order to halt those regulations—regulations that attack the middle class and won’t even have a meaningful impact on global carbon emissions—is just the latest sign they may not be. I applaud the court for implementing this stay until a final determination can be made.”</p>	2/10/16	http://bereaonline.com/?p=48000

FL	<p>Attorney General Pam Bondi today announced that the U.S. Supreme Court ordered an immediate halt to President Barack Obama's unlawful power plan. The Court order is in response to a legal challenge brought by a bipartisan coalition of 29 states and state agencies, including Florida. While the stay is a major victory, the states' litigation to stop the administration's unlawful overreach continues in the D.C. Circuit Court of Appeals.</p> <p>"This U.S. Supreme Court order is a huge victory for Florida families, businesses and the rule of law. Once again, this administration is ignoring the limits of its authority in trying to impose harmful and heavy-handed regulations on Floridians and the rest of the country. I am pleased the U.S. Supreme Court ruled in favor of the states and halted the implementation of these illegal actions," said Attorney General Bondi.</p>	2/10/16	Link to AG Press release
Tribes	No reactions to date	2/11/16	
Others	Environmentalists lamented the decision. It "hits pause on the country's strongest action to lower harmful carbon pollution," said Frank Rambo, an attorney with the Southern Environmental Law Center.	2/11/16	Atlanta Journal Constitution
	<p>Duke spokeswoman Dawn Santoianni notes that Duke already has cut emissions by 20% since 2005. And she says Duke is focused on meeting regulatory requirements in a cost-effective manner.</p> <p>"The decision by the U.S. Supreme Court to take a 'time out' allows legal questions to be resolved</p>	2/10/16	http://www.bizjournals.com/charlotte/blog/energy-to-see-little-short-term-impact-from.html

	before we make investment decisions that impact our customers rates," she says. "Clarity and regulatory certainty is important as we consider significant investment decisions that will impact our customers' power bills."		
	"We continue to believe that the Clean Power Plan could negatively impact reliability and affordability of electricity in the state of Georgia and are pleased with the court's decision," said Georgia Power spokesman Jacob Hawkins.	2/10/16	http://wabe.drupal.publicbroadcasting.net/p/supreme-court-ruling-ga-stop-work-climate-plan
	Kurt Ebersbach, an attorney at the Southern Environmental Law Center, said the Supreme Court stepping in was unexpected, but it won't completely derail general trends away from coal and towards renewable energy. "There were many positive things going on before the Clean Power Plan was announced, like the growth of solar in Georgia, and I think those things are going to continue even while the rule is stayed."	2/10/16	http://wabe.drupal.publicbroadcasting.net/p/supreme-court-ruling-ga-stop-work-climate-plan
	Environmental lawyer Robert Jackson, senior attorney with the Atlanta firm GreenLaw, emphasized that this decision to delay implementation of the Clean Power Plan is not, in fact, the end of the road for the rule entirely. "I expect that the Clean Power Plan will ultimately prevail in the courts and that this lawsuit is just all about politics," he said. "It is amazing to me that the state of Georgia would participate in such gargantuan waste	2/10/16	http://wabe.drupal.publicbroadcasting.net/p/supreme-court-ruling-ga-stop-work-climate-plan

	of time and money as a lawsuit to stop the Clean Power Plan.”		
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Cc: Mitchell, Ken[Mitchell.Ken@epa.gov]; Lincoln, Larry[Lincoln.Larry@epa.gov]; Braneon, Christian[Braneon.Christian@epa.gov]; Delli-Gatti, Dionne[Delli-Gatti.Dionne@epa.gov]; Dressler, Jason[Dressler.Jason@epa.gov]; Dubose, Dick[DuBose.Dick@epa.gov]; Goff, Keith[Goff.Keith@epa.gov]; Harris-Young, Dawn[Harris-Young.Dawn@epa.gov]; Johnson, Terry[Johnson.Terry@epa.gov]; Lloyd, David[Lloyd.David@epa.gov]; Lusky, Katy[Lusky.Kathleen@epa.gov]; Majumder, Joydeb[Majumder.Joydeb@epa.gov]; Marraccini, Davina[Marraccini.Davina@epa.gov]; McDonald, Jason[Mcdonald.Jason@epa.gov]; McNeal, Dave[Mcneal.Dave@epa.gov]; Moura, Rafaela[Moura.Rafaela@epa.gov]; Myers, Bryan[Myers.Bryan@epa.gov]; Orlando, Danny[Orlando.Danny@epa.gov]; Powell, Keri[Powell.Keri@epa.gov]; Rubini, Suzanne[Rubini.Suzanne@epa.gov]; Rumley, MaKara[Rumley.MaKara@epa.gov]; Russo, Todd[Russo.Todd@epa.gov]; Spagg, Beverly[Spagg.Beverly@epa.gov]; Wise, Allison[Wise.Allison@epa.gov]

From: Mitchell, Ken

Sent: Thur 2/11/2016 10:22:09 PM

Subject: EPA R4 stakeholder reactions to the CPP stay

Folks....here is an update of what we have heard to date from EPA R4 stakeholders re the CPP stay. Please let me know if you have any questions.

Kenneth L. Mitchell, Ph.D. | *Special Assistant to the Director | *
 Air, Pesticides, and Toxics Management Division
 U.S. Environmental Protection Agency | Street, SW | 30303

To: Kendra Abkowitz[Kendra.Abkowitz@tn.gov]
Cc: Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Goff, Keith[Goff.Keith@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]; Bailey, Ashten[Bailey.Ashten@epa.gov]
From: Mitchell, Ken
Sent: Thur 2/11/2016 8:00:29 PM
Subject: RE: From ClimateWire -- STATES: Climate ruling sparks expensive game of red light, green light

Kendra...

States are not required to make initial submittals during the stay. EPA firmly believes the Clean Power Plan will be upheld when the courts address its merits because it rests on strong scientific and legal foundations. For the states that choose to continue to work to cut carbon pollution from power plants and seek the agency's guidance and assistance, EPA will continue to provide tools and support. We will make additional information available in a timely manner and will continue to take steps to make sure states that wish to make use of them have the tools they need to design common-sense state plans.

Please let me know if you have any questions.

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Cc: Millett, John[Millett.John@epa.gov]; Noonan, Jenny[Noonan.Jenny@epa.gov]

From: Mitchell, Ken

Sent: Thur 2/11/2016 2:17:09 PM

Subject: FW: Talking Points on the CPP Stay

Final talking points below.

Kenneth L. Mitchell, Ph.D. | *Special Assistant to the Director | *
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 U.S. Environmental Protection Agency | Street, SW | 30303
 Voice: 404-562-9065 | *

To: Falconer, Caron[Falconer.Caron@epa.gov]
Cc: Banister, Beverly[Banister.Beverly@epa.gov]
From: Kemker, Carol
Sent: Wed 2/10/2016 8:12:24 PM
Subject: CPP Cal in 12B

Beverly asked me to let you know that you can join us to listen to HQ talk about the CPP stay. It is now till 3:30.

Sent from my iPhone

To: Noonan, Jenny[Noonan.Jenny@epa.gov]
Cc: Kornylak, Vera S.[Kornylak.Vera@epa.gov]; Banister, Beverly[Banister.Beverly@epa.gov];
Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Mitchell,
Ken[Mitchell.Ken@epa.gov]
From: Mitchell, Ken
Sent: Wed 2/10/2016 7:28:06 PM
Subject: RE: Your thoughts

Jenny....thanks. Here are my suggested edits **IN RED**.

DRAFT

Internal Use

February 10, 2016

Proposed Email to Regional staff working on CPP:

Ex. 5 - Deliberative

Ex. 5 - Deliberative

Speeches, Meetings and Presentation

Ex. 5 - Deliberative

Kenneth L. Mitchell, Ph.D. | *Special Assistant to the Director | *
Air, Pesticides, and Toxics Management Division
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From: Wortman, Eric

Required Attendees: Noonan, Jenny; Tsirigotis, Peter; Dunham, Sarah; Harvey, Reid; Page, Steve; Culligan, Kevin; Goffman, Joseph; Jordan, Deborah; Niebling, William; Millett, John; Stewart, Lori; Schmidt, Lorie; Zenick, Elliott; Santiago, Juan; Koerber, Mike; Wood, Anna; Rupp, Mark; Cortelyou-Lee, Jan; Kornylak, Vera S.; Hoffman, Howard; Rosenberg, Julie; Adamantiades, Mikhail; Drinkard, Andrea; Stenhouse, Jeb; Air Division Directors and Deputies; Regional Counsel Contacts; Janet McCabe (mccabe.janet@epa.gov); Betsy Shaw (Shaw.Betsy@epa.gov); Yvonne Johnson; Jeff Whitlow (Whitlow.Jeff@epa.gov); Smith, Kristi; O'Connor, Darcy; Schuller, Jennifer; Callie Videtich (Videtich.Callie@epa.gov)

Optional Attendees: Urdiales, Aaron (Urdiales.Aaron@epa.gov); Machol, Ben; Zimpfer, Amy; Ruvo, Richard; Mears, Mary; Simon, Paul; Villatora, Liliana; Anderson, Kate; Mangels, Karl; Lau, Gavin; Filippelli, John; Rivera-Thomas, Evelyn; Smith, Mark A.; Ward Burns (Burns.Ward@epa.gov); Alex Chen; Toni Gargas; Spiegelman, Nina; Brown, Dan; Bray, Dave; Cynthia Greene; Dain, Gregory; Edmondson, Lucy; Vergeront, Julie; Philip, Jeff; Dunbar, Bill; Mastro, Donna; Rubini, Suzanne; Powell, Keri

Location: Conf. Line: **Conf Code** Passcode: **Conf Code**

Importance: Normal

Subject: CPP Stay: ADD Special Purpose Call

Start Date/Time: Wed 2/10/2016 8:00:00 PM

End Date/Time: Wed 2/10/2016 8:30:00 PM

[15A773-Clean-Power-Plan-stay-order.pdf](#)

Shortening the call by ½ hour, from 3:00 - 3:30 ET.

Special purpose call with Janet, Air Division Directors and HQs regarding last night's SCOTUS stay of the CPP. ADDs may invite CPP APMs and key staff as appropriate. Also including the ORC contact list for those of you involved with CPP. A copy of the stay order is attached.

To: Aumann, Ethan[Aumann.Ethan@epa.gov]; Brown, Dan[Brown.Dan@epa.gov]; Cain, Alexis[cain.alexis@epa.gov]; Farris, Laura[Farris.Laura@epa.gov]; Gordon, Michael[Gordon.Mike@epa.gov]; Grogan-McCulloch, Lisa[Grogan-McCulloch.Lisa@epa.gov]; Lau, Gavin[Lau.Gavin@epa.gov]; Lawrence, Rob[Lawrence.Rob@epa.gov]; Linn, Emily[linn.emily@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]; Nazmi, Niloufar[Nazmi.Niloufar@epa.gov]; Newman, Erin[newman.erin@epa.gov]; Saracino, Ray[Saracino.Ray@epa.gov]; Smith, Mark A.[Smith.Marka@epa.gov]; Steib, Clovis[steib.clovis@epa.gov]; Wong, Shutsu[Wong.Shutsu@epa.gov]
Cc: Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Braneon, Christian[Braneon.Christian@epa.gov]; Rumley, MaKara[Rumley.MaKara@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]
From: Mitchell, Ken
Sent: Wed 2/10/2016 7:13:30 PM
Subject: FW: INVITATION: White House Call TODAY on the Clean Power Plan

Folks...I've only just become aware of this call today between the White House and (I think...but not sure) EJ stakeholders around the country to discuss the CPP Stay. Apparently, the call in number has reached capacity, but wanted to make sure you knew this was happening.

Kenneth L. Mitchell, Ph.D. | *Special Assistant to the Director | *
Air, Pesticides, and Toxics Management Division
U.S. Environmental Protection Agency | Street, SW | 30303
Voice: 404-562-9065 | *

To: McTeerToney, Heather[McTeerToney.Heather@epa.gov]
Cc: Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Heard, Anne[Heard.Anne@epa.gov]; Lincoln, Larry[Lincoln.Larry@epa.gov]; Wise, Allison[Wise.Allison@epa.gov]; HicksWhite, Javoyne[HicksWhite.Javoyne@epa.gov]; Robinson, Caroline[Robinson.Caroline@epa.gov]; Jenkins, Brandi[Jenkins.Brandi@epa.gov]; Jones-Johnson, Shea[Jones-Johnson.Shea@epa.gov]; Myers, Bryan[Myers.Bryan@epa.gov]; Lusk, Katy[Lusk.Kathleen@epa.gov]; Johnson, Terry[Johnson.Terry@epa.gov]; Delli-Gatti, Dionne[Delli-Gatti.Dionne@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]
From: Mitchell, Ken
Sent: Wed 2/10/2016 4:41:33 PM
Subject: RE: ATTENTION: SC and GA update on CPP Stay

Heather....we're just starting to hear from states (GA and SC so far). Nothing yet specifically from MS or KY. Will let you know as soon as I do.

Kenneth L. Mitchell, Ph.D. | *Special Assistant to the Director | *
Air, Pesticides, and Toxics Management Division
U.S. Environmental Protection Agency | Street, SW | 30303
Voice: 404-562-9065 | *

To: Mitchell, Ken[Mitchell.Ken@epa.gov]
Cc: Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]
From: Robinson, Caroline
Sent: Wed 2/10/2016 4:34:38 PM
Subject: RE: Impact of the CPP Stay on Kemper plant - MS

Thanks Ken Much Appreciated!! The email was just sent!!

Caroline Y. Freeman 

Academic Institutions, Senior Advisor

Office of the Regional Administrator, Region 4

United States Environmental Protection Agency

Sam Nunn Atlanta Federal Center

61 Forsyth Street, SW

Atlanta, GA 30303

(404) 562-8976 phone *  cell

(404) 562-9961 fax

Robinson.caroline@epa.gov

From: Mitchell, Ken
Sent: Wednesday, February 10, 2016 11:27 AM
To: Robinson, Caroline
Cc: Banister, Beverly; Kemker, Carol; Gettle, Jeaneanne; Mitchell, Ken
Subject: RE: Impact of the CPP Stay on Kemper plant - MS

My edits are included below.

Kenneth L. Mitchell, Ph.D. | *Special Assistant to the Director | *
Air, Pesticides, and Toxics Management Division
U.S. Environmental Protection Agency | Street, SW | 30303
Voice: 404-562-9065 | *

To: Robinson, Caroline[Robinson.Caroline@epa.gov]
Cc: Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]
From: Mitchell, Ken
Sent: Wed 2/10/2016 4:27:18 PM
Subject: RE: Impact of the CPP Stay on Kemper plant - MS

My edits are included below.

Kenneth L. Mitchell, Ph.D. | *Special Assistant to the Director | *
Air, Pesticides, and Toxics Management Division
U.S. Environmental Protection Agency | Street, SW | 30303
Voice: 404-562-9065 | *

To: Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]; McTeerToney, Heather[McTeerToney.Heather@epa.gov]; Heard, Anne[Heard.Anne@epa.gov]; Lincoln, Larry[Lincoln.Larry@epa.gov]; Wise, Allison[Wise.Allison@epa.gov]; HicksWhite, Javoyne[HicksWhite.Javoyne@epa.gov]
Cc: Robinson, Caroline[Robinson.Caroline@epa.gov]; Jenkins, Brandi[Jenkins.Brandi@epa.gov]; Jones-Johnson, Shea[Jones-Johnson.Shea@epa.gov]; Myers, Bryan[Myers.Bryan@epa.gov]; Lusky, Katy[Lusky.Kathleen@epa.gov]; Johnson, Terry[Johnson.Terry@epa.gov]; Delli-Gatti, Dionne[Delli-Gatti.Dionne@epa.gov]; Mitchell, Ken[Mitchell.Ken@epa.gov]
From: Mitchell, Ken
Sent: Wed 2/10/2016 3:43:34 PM
Subject: ATTENTION: SC and GA update on CPP Stay

INTERNAL – DO NOT CITE/QUOTE/SEND OUT

Ex. 5 - Deliberative

I haven't heard from the other states yet.

Kenneth L. Mitchell, Ph.D. | *Special Assistant to the Director | *
Air, Pesticides, and Toxics Management Division
U.S. Environmental Protection Agency | Street, SW | 30303

To: Mitchell, Ken[Mitchell.Ken@epa.gov]
Cc: Robinson, Caroline[Robinson.Caroline@epa.gov]; Jenkins, Brandi[Jenkins.Brandi@epa.gov]; Jones-Johnson, Shea[Jones-Johnson.Shea@epa.gov]; Heard, Anne[Heard.Anne@epa.gov]; HicksWhite, Javoyne[HicksWhite.Javoyne@epa.gov]; Banister, Beverly[Banister.Beverly@epa.gov]; Kemker, Carol[Kemker.Carol@epa.gov]; Gettle, Jeaneanne[Gettle.Jeaneanne@epa.gov]
From: McTeerToney, Heather
Sent: Wed 2/10/2016 2:49:27 PM
Subject: Re: URGENT: Statements re CPP

Thanks Ken, Larry shared with me this morning. I'm anticipating a HQ call sometime either today or tomorrow. Thanks for keeping us posted.

Heather

On Feb 10, 2016, at 8:27 AM, Mitchell, Ken <Mitchell.Ken@epa.gov> wrote:

Please see the information below. This is all we have from HQ at the moment.

Kenneth L. Mitchell, Ph.D. | Special Assistant to the Director |
 Air, Pesticides, and Toxics Management Division
 U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303
 Voice: 404-562-9065 | Fax: 404-562-9066 | Email: mitchell.ken@epa.gov
Healthier Families, Cleaner Communities, A Stronger America

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please do not print, copy, retransmit, disseminate, or otherwise use the information. Also, please indicate to the sender that you have received this communication in error, and delete the copy you received.

From: Mitchell, Ken
Sent: Wednesday, February 10, 2016 9:19 AM
To: Air Division Directors and Deputies <Air.Division.Directors.and.Deputies@epa.gov>; Aumann, Ethan <Aumann.Ethan@epa.gov>; Brown, Dan <Brown.Dan@epa.gov>; Cain, Alexis <cain.alexis@epa.gov>; Farris, Laura <Farris.Laura@epa.gov>; Gordon, Michael <Gordon.Mike@epa.gov>; Grogan-McCulloch, Lisa <Grogan-McCulloch.Lisa@epa.gov>; Lau, Gavin <Lau.Gavin@epa.gov>; Lawrence, Rob <Lawrence.Rob@epa.gov>; Linn, Emily <linn.emily@epa.gov>; Mitchell, Ken <Mitchell.Ken@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Nazmi, Niloufar <Nazmi.Niloufar@epa.gov>; Newman, Erin <newman.erin@epa.gov>; Saracino, Ray <Saracino.Ray@epa.gov>; Smith, Mark A. <Smith.Marka@epa.gov>; steib.clovis@epa.gov; Wong, Shutsu <Wong.Shutsu@epa.gov>; Banister, Beverly <Banister.Beverly@epa.gov>; Braneon, Christian <Braneon.Christian@epa.gov>; Delli-Gatti, Dionne <Delli-Gatti.Dionne@epa.gov>; Dressler, Jason <Dressler.Jason@epa.gov>; Dubose, Dick <DuBose.Dick@epa.gov>; Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Goff, Keith

<Goff.Keith@epa.gov>; Harris-Young, Dawn <Harris-Young.Dawn@epa.gov>; Johnson, Terry <Johnson.Terry@epa.gov>; Kemker, Carol <Kemker.Carol@epa.gov>; Lincoln, Larry <Lincoln.Larry@epa.gov>; Lloyd, David <Lloyd.David@epa.gov>; Lusky, Katy <Lusky.Kathleen@epa.gov>; Majumder, Joydeb <Majumder.Joydeb@epa.gov>; Marraccini, Davina <Marraccini.Davina@epa.gov>; McDonald, Jason <Mcdonald.Jason@epa.gov>; McNeal, Dave <Mcneal.Dave@epa.gov>; Moura, Rafaela <Moura.Rafaela@epa.gov>; Myers, Bryan <Myers.Bryan@epa.gov>; Orlando, Danny <Orlando.Danny@epa.gov>; Powell, Keri <Powell.Keri@epa.gov>; Rubini, Suzanne <Rubini.Suzanne@epa.gov>; Rumley, MaKara <Rumley.MaKara@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Spagg, Beverly <Spagg.Beverly@epa.gov>; Wise, Allison <Wise.Allison@epa.gov>

Cc: Millett, John <Millett.John@epa.gov>; Noonan, Jenny <Noonan.Jenny@epa.gov>

Subject: URGENT: Statements re CPP

All....please read through the entire email chain below. All press enquiries go directly to Melissa Harrison in DC.

Kenneth L. Mitchell, Ph.D. | Special Assistant to the Director |
 Air, Pesticides, and Toxics Management Division
 U.S. Environmental Protection Agency | 61 Forsyth Street, SW | Atlanta, GA 30303
 Voice: 404-562-9065 | Fax: 404-562-9066 | Email: mitchell.ken@epa.gov
Healthier Families, Cleaner Communities, A Stronger America

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From: Noonan, Jenny
Sent: Wednesday, February 10, 2016 8:39 AM
To: Mitchell, Ken <Mitchell.Ken@epa.gov>
Cc: Kornylak, Vera S. <Kornylak.Vera@epa.gov>; Ashley, Jackie <Ashley.Jackie@epa.gov>; Santiago, Juan <Santiago.Juan@epa.gov>; Wood, Anna <Wood.Anna@epa.gov>; Whitlow, Jeff <Whitlow.Jeff@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>; Wortman, Eric <Wortman.Eric@epa.gov>; Wilson, Erika <Wilson.Erika@epa.gov>
Subject: Statements

Ken – Please share with the regional staff. Just a reminder all press goes to DC to Melissa Harrison.

Begin forwarded message:

From: "Harrison, Melissa" <Harrison.Melissa@epa.gov>
Date: February 9, 2016 at 9:27:13 PM EST
To: "Orquina, Jessica" <Orquina.Jessica@epa.gov>, "Hart, Daniel" <Hart.Daniel@epa.gov>, "Davis, Jay" <Davis.Jay@epa.gov>, PADs and Alternates <PADs_and_Alternates@epa.gov>, Comm Directors and Alternates <Comm_Directors_and_Alternates@epa.gov>
Cc: "Hull, George" <Hull.George@epa.gov>, "Jones, Enesta" <Jones.Enesta@epa.gov>, "Conger, Nick" <Conger.Nick@epa.gov>, "Purchia, Liz" <Purchia.Liz@epa.gov>, "Allen, Laura" <Allen.Laura@epa.gov>
Subject: RE: URGENT: Clean Power Plan

Good evening, below is our statement on tonight's Supreme Court decision on the Clean Power Plan. I have also included the White House statement. Please continue to hold on social media and send all media inquiries to me. Sincerely, Melissa

EPA Statement:

We're disappointed the rule has been stayed, but you can't stay climate change and you can't stay climate action. Millions of people are demanding we confront the risks posed by climate change. And we will do just that. We believe strongly in this rule and we will continue working with our partners to address carbon pollution.

Statement by White House Press Secretary:

We disagree with the Supreme Court's decision to stay the Clean Power Plan while litigation proceeds. The Clean Power Plan is based on a strong legal and technical foundation, gives States the time and flexibility they need to develop tailored, cost-effective plans to reduce their emissions, and will deliver better air quality, improved public health, clean energy investment and jobs across the country, and major progress in our efforts to confront the risks posed by climate change. We remain confident that we will prevail on the merits. Even while the litigation proceeds, EPA has indicated it will work with states that choose to continue plan development and will prepare the tools those states will need. At the same time, the Administration will continue to take aggressive steps to make forward progress to reduce carbon emissions.

###

Melissa J. Harrison

Press Secretary

U.S. Environmental Protection Agency

Office: (202) 564-8421

Mobile: (202) 697-0208

Harrison.Melissa@epa.gov

From: Harrison, Melissa

Sent: Tuesday, February 09, 2016 7:53 PM

To: Orquina, Jessica <Orquina.Jessica@epa.gov>; Hart, Daniel <Hart.Daniel@epa.gov>; Davis, Jay <Davis.Jay@epa.gov>; PADs and Alternates <PADs_and_Alternates@epa.gov>; Comm Directors and Alternates <Comm_Directors_and_Alternates@epa.gov>

Cc: Hull, George <Hull.George@epa.gov>; Jones, Enesta <Jones.Enesta@epa.gov>; Conger, Nick <Conger.Nick@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Allen, Laura <Allen.Laura@epa.gov>

Subject: URGENT: Clean Power Plan

Good evening,

Please send all media inquiries on the Clean Power Plan to me.

Please also ensure no social media about the Clean Power Plan is scheduled until you receive further guidance from OPA.

Thanks,

Melissa

Melissa J. Harrison

Press Secretary

U.S. Environmental Protection Agency

Office: (202) 564-8421

Mobile: (202) 697-0208

Harrison.Melissa@epa.gov

To: Banister, Beverly[Banister.Beverly@epa.gov]
From: Wood, Anna
Sent: Wed 2/10/2016 1:33:27 PM
Subject: Re: Check in

Did you see the S Ct granted a stay on the CPP? If not I can send you some info - Anna

Sent from my iPhone

> On Feb 10, 2016, at 8:32 AM, Banister, Beverly <Banister.Beverly@epa.gov> wrote:

>

> Awesome! That will work perfectly.

> Beverly

>

> Sent from my iPhone

>

>> On Feb 10, 2016, at 8:28 AM, "Wood, Anna" <Wood.Anna@epa.gov> wrote:

>>

>> Ok I'll call you at 930 no worries - Thx

>>

>> Sent from my iPhone

>>

>>> On Feb 10, 2016, at 8:15 AM, Banister, Beverly <Banister.Beverly@epa.gov> wrote:

>>>

>>> Running late this morning. Have a few minutes now as I wait for train for also will be available around 9:30 am.

>>>

>>> Sent from my iPhone